

HAMPTON PLANNING BOARD – MINUTES

December 4, 2002

PRESENT: Thomas Gillick, Chairman
Sharleene Hurst, Vice Chair
Jack Lessard, Clerk
Keith Lessard
Bob Viviano
Jennifer Kimball, Town Planner
Skip Sullivan, Selectmen Member
Peter Olney *

Mr. Gillick called the meeting to order at 7:00 p.m. and introduced the members in attendance.

Mr. Gillick read a letter dated November 26, 2002 from the Hampton Conservation Commission with their recommendation that the Board approve this Special Permit for item 2 under New Public Hearings, (Hawley - 26 Vrylena's Way) as a Special Permit is not required. The Board also received a letter dated December 2, 2002 from Mr. Hawley indicating that he is withdrawing his application.

I. ZONING AMENDMENTS - DETAILED TEXT ATTACHED

1. Article I, Section 1.6, definition of Dwelling Unit, Multi-Family Family Dwelling Unit, Two-Family Dwelling Unit, Seasonal Dwelling Unit, and Single-Family Dwelling Unit.
2. Article I, Section 1.6, definition of Parking Space.
3. Article II, Section 2.3.7, subsection C, Wetlands Conservation District Special Provisions.
4. Article II, Section 2.3.7, subsection E, Wetlands Conservation District Special Provisions.
5. Article II, Section 2.5.4, subsection F.6, Aquifer Protection District Conditional Uses.
6. Article III, Section 3.25, Use Regulations of Shops, restaurants and warehouses.
7. Article III, Section 3.27, Use Regulations of Condominium Conversions.
8. Article IV, Table II, Section 4.6, minimum square footage per dwelling unit, Industrial Zone.

Mrs. Kimball read and reviewed the proposed changes of all 8 items above for the benefit of the Board and the public. The Board discussed each item and held a Public Hearing on each. Any item not approved and requiring substantial changes would require a second hearing.

OPEN PUBLIC HEARING FOR ITEM 1..

Mrs. Elizabeth Webb, 11 Windmill Lane. Mrs. Webb was concerned about the inclusion and use of the words "or structure," and the order of the items.

Mrs. Kimball stated that town counsel, Peter Loughlin, had worked with the Board on these revisions. They are now in alphabetical order as are the other Zoning Ordinances. Building Inspector, Kevin Schultz, stated that the definition of structure for occupancy purposes is included in another section of the Zoning Ordinances.

CLOSE PUBLIC HEARING.

* Peter Olney joined the meeting at this point.

Mr. Sullivan **MOTIONED** to move item 1 to the 2003 ballot. Mrs. Hurst **SECONDED:**
VOTE: 6 - Yes. 1 - Abstain (Olney). **MOTION PASSES IN THE AFFIRMATIVE.**

Mrs. Kimball read item 2 above and explained the changes to the Board.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to move item 2 to the 2003 ballot. Mr. Sullivan **SECONDED:**
VOTE: All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball read items 3 and 4 above and explained the changes to the Board. The Board had concerns that the change would require an increase in the size of new lots which included land in the Wetlands and Wetlands buffer.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. K. Lessard **MOTIONED** to hold a second hearing January 8, 2003 on item 3. Mrs. Hurst **SECONDED:** **VOTE:** All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. K. Lessard **MOTIONED** to move item 4 to the 2003 ballot. Mrs. Hurst **SECONDED:**
VOTE: All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball read item 5 and explained the changes to the Board.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to move item 5 to the 2003 ballot. Mr. Viviano **SECONDED:**
VOTE: All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball read item 6 and explained the changes to the Board. Shops would include beauty and barber shops, nail salons, cosmetology, spas, and other like health and beauty services as regulated and licensed by the State of New Hampshire. Mr. Keith Lessard asked about pet grooming facilities. Mrs. Kimball stated that she would look into the question.

OPEN PUBLIC HEARING.

Mrs. Elizabeth Webb, 11 Windmill Lane. Mrs. Webb was concerned about the definition of shops, restaurants and warehouses. Mrs. Kimball clarified that these are actually 3 separate and distinct uses.

CLOSE PUBLIC HEARING.

Mrs. Hurst stated that the Board had consulted with many professionals on the proposed revisions and the logic of the amendment is sufficient. Mr. Gillick commented that the input from the public is very important and valuable. The Town of Hampton now has a Building Inspection Department and a Planning Department that work on a full-time basis in coordination for the benefit of the community in an effort to prevent lawsuits.

Mrs. Hurst **MOTIONED** to move item 6 to the 2003 ballot. Mr. Sullivan **SECONDED:**
VOTE: All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball read item 7 and explained the changes to the Board.

OPEN PUBLIC HEARING.

Mr. Peter Saari, Exeter Road. Attorney Saari asked about the standard used by the Board to determine a condominium conversion. Mrs. Kimball stated that the Subdivision regulations govern these issues. Mr. Saari and Mr. Olney felt that specific regulations applying to condo conversions could be implemented. Mrs. Kimball suggested that Attorney Loughlin could assist the Board next year to create more specific standards.

CLOSE PUBLIC HEARING.

Mr. K. Lessard **MOTIONED** to move item 7 to the 2003 ballot. Mrs. Hurst **SECONDED:**
VOTE: All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball read item 8 and explained the changes to the Board.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to move item 8 to the 2003 ballot. Mr. J. Lessard **SECONDED:**
VOTE: All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS

1. Ocean Meadows Condominium Association
Special Permit for temporary impact to the Wetlands Conservation
District to repair the corner of foundation at Unit 10 at
561 Ocean Boulevard
Map 245, Lot 10-10
Owner of Record: Same as above

Mr. Len Flemings addressed the Board and requested that the Board allow him to repair the foundation in his condominium unit. Mrs. Kimball stated that the work would be completed from the inside and would have only temporary impact to the Wetlands. Mr. Gillick read a letter dated November 26, 2002 from the Hampton Conservation Commission. They recommend

approval of the Special Permit.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to approve the Special Permit for temporary impact to the Wetlands Conservation District to repair the corner of foundation at Unit 10, 561 Ocean Boulevard, Map 245, Lot 10-10 subject to:

1. NH DES Wetlands Bureau dredge and fill permit;
2. All repairs to be done from within the interior of the building;
3. Any disturbance to the salt marsh will be restored;
4. The Planning Board to be notified of any additional work.

Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Frances & William Ogilvie

Special Permit to construct a one-story addition within the Wetlands Conservation District at
55 Hobson Avenue
Map 289, Lot 14
Owner of Record: Same as above

Attorney Peter Saari, Frances and William Ogilvie addressed the Board. Mr. Saari stated that this is an older section of town, with small single-family, one-story, well-maintained summer cottages. The applicants wish to add an addition. There is a retaining wall separating the salt marsh and bog from the homes in that area. The actual line of the buffer is in front of the house. The addition of a 3-season room would allow the applicants to enjoy their home free of pests and insects. Mr. Saari stated that no natural wetlands would be destroyed, and there is no wildlife habitat to the rear of the existing home. Other homes in the area have placed additions on their homes.

Mr. Gillick referred to the November 26, 2002 letter from the Hampton Conservation Commission recommending that the Board not grant the application. Mr. Gillick and Mrs. Kimball visited the site yesterday and observed the retaining wall mentioned by Mr. Saari. The poured concrete wall clearly separates the marsh from the homes on Hobson Avenue. Mr. Gillick stated that he very much considers the Conservation Commission's recommendations. However, there are other homes in the area which have additions on posts and he believes the addition requested by the Ogilvies would not disturb the marsh.

Mrs. Hurst asked if those other home owners had come before the Planning Board and was concerned that the Board might be setting a precedent. Mr. Olney asked what precedent would be set. Keith Lessard emphasized that no herbicides and pesticides could be used this close to the buffer, as protected by the Shoreland Protection Act. Mr. Lessard asked if the room could be placed on pilings, would the room be heated, the distance from the lot line, how the retaining wall is maintained. Mr. Ogilvie stated that the room would not be heated a gentleman maintains the retaining wall.

OPEN PUBLIC HEARING.

Vivian Marcotte, Hampton Conservation Commission. Mrs. Marcotte stated that the room recently added to the home next door and across the street were done without the benefit of a Wetlands Special Permit.

CLOSE PUBLIC HEARING.

Mr. Olney was concerned that a precedent might be set to approve this application without Wetlands Bureau approval. Mr. Gillick stated that the Ogilvie property is physically and clearly separated and distinguished from the wetlands by a substantial concrete block wall, which is not usually the case. Mrs. Kimball stated that she is in favor of making amendments to the Wetlands Ordinances, but is waiting until the State completes their model ordinance.

Mrs. Hurst **MOTIONED** to approve the Special Permit to construct a one-story addition within the Wetlands Conservation District at 55 Hobson Avenue, Map 289, Lot 14 subject to:

1. NH DES Wetlands Bureau dredge and fill permit;
2. NH DES Shoreland variance approval or letter stating that one is not necessary;
3. Proper sediment and erosion control in place before and during construction;
4. Notification of Conservation Commission upon start and completion of work.

Mr. Sullivan **SECONDED**. **VOTE:** 6 - Yes. 1 - Opposed (Olney). **MOTION PASSES THE AFFIRMATIVE.**

4. Jon & Judi Savage
2-Lot Subdivision at
3 Cessna Way
Map 57, Lot 44
Waiver Requested: Subdivision Regulations Section V.E.7 (Storm Drainage Plans)
Owners of Record: Same as above

Mr. Jon Savage addressed the Board. He requested that he be allowed to subdivide his property located in the Reddington Subdivision. He has received the necessary variance (4.1 - frontage) on October 18, 2002 to allow frontage for his home on a Town approved private roadway. Mr. Savage stated that 2 prior applications in this subdivision have previously been approved, i.e. Louise Blanchard and Bob Gray.

Mrs. Kimball stated that the Board has in fact reviewed 2 prior applications. Cessna Way is not a publicly accepted road, but a private road so the variance is for frontage on that road. The property is located in the Aquifer Protection area. Mrs. Kimball discussed her December 3, 2002 memo which discusses sealed surface and water service availability. Mr. Savage stated that the 24.9% sealed surface proposed does in fact include the driveway, front and side, with pervious material in front of the garage. Mr. Savage advised the Board that water service is currently available to the proposed lot and thus would not be impacted by the water moratorium. Mrs. Kimball stated that the applicant has requested a Waiver from the storm drainage plan, and

topography has not been provided. Mrs. Kimball stated that the 60-foot taxiway easement across the property, which was a part of the original subdivision, would remain the same. The property line would be at the edge of this easement.

OPEN PUBLIC HEARING.

Mr. Gillick read a letter dated November 29, 2002 from Roberta Miner, 5 Reddington Landing, which outlines her concerns about water drainage as she has water problems in the basement of her home. She requests that the Waiver be denied.

CLOSE PUBLIC HEARING.

Mr. Olney asked where the water would go. Mrs. Kimball stated that the Waiver Request is from detailed calculations which would require the services of an engineer. Mr. Gillick stated that several years ago the Town extended the drainage in this area by adding a storm drain.

Mr. Savage stated that the Miner property has been substantially expanded with the addition of a breezeway, a 2-car garage, driveway extension and an outbuilding, which may in fact exceed the 25% sealed surface and be the cause for the water in her basement.

Mr. Savage presented previous plans showing topography and contour lines for the Board's review. Mrs. Kimball stated that the original subdivision is on file.

Mrs. Hurst motioned to approve the Waiver request. No second. Mrs. Hurst made a motion to deny the Waiver request. No second. Discussion followed. Mr. Savage stated that it is his intention to build a single-story, ranch-style home, with a small foundation and basement. His neighbors should not be adversely affected.

Mrs. Kimball stated that drainage for a single-family home to be built is usually reviewed by the Building Inspector when constructed. Mrs. Kimball requested that Mr. Savage work with his surveyor to indicate grading for the water flow and provide updated plans showing the edge of pavement for Reddington Landing and Cessna Way, catch basins, grading and topography (as proposed with house and driveway).

Mrs. Hurst **MOTIONED** to continue the above application to December 18, 2002. The applicant is to provide updated plans showing the edge of pavement for Reddington Landing and Cessna Way, catch basins, grading and topography, and the location of the proposed house and driveway. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Christopher and Madison Corporation
Site Plan Review to construct addition onto Wally's Pub at
144 & 148 Ashworth Avenue
Map 293, Lots 66 & 74
Waiver Requested: Site Plan Regulations Section V.E.8 (Storm Drainage Plans)
Owner of Record: Same as above

Richard Styles, Deborah Styles and, Ed Walsh, Parker Survey addressed the Board. Mr. Walsh stated that he had received Mrs. Kimball's December 3, 2002 memo and has attempted to address as many of the concerns as possible. Mr. Gillick and Mrs. Kimball viewed the site yesterday. The proposed changes will occur in the business zone.

Mr. Walsh stated that the applicant proposes to demolish the dwelling unit on Ashworth Avenue and replace with a smaller 28' x 32' addition to Wally's Pub. The driveway area grade will be filled to the level of the adjacent lot. Mrs. Kimball stated that technically parking is not required because it is a business seasonal zone, but there is an existing parking lot in the rear of the building. Mr. Styles discussed the location of building, regrading the surface, the placement of a retaining wall on the south side, the driveway and catch basins. Mr. Styles stated that he wished to pour the foundation and cap it prior to winter.

The Board discussed the points in Mrs. Kimball's December 3 memo. Mrs. Kimball stated that the site plan will have to show the location of the retaining wall and driveway.

OPEN PUBLIC HEARING.

Mr. Joseph Gizzi, 150 Ashworth Avenue. Mr. Gizzi stated that his basement now is flooding due to the runoff caused by the fill on Mr. Styles property. He requested that the applicant address this problem. When the building is demolished, the noise level will increase and requested that the applicant place an 8-foot acoustical wall between his property and Mr. Styles property. Mrs. Kimball stated that most properties have a deed restriction that states that walls can be only 3 feet in height.

Mr. Styles stated that a 4-foot high retaining wall would prevent water runoff. He requested that the Town allow him to place a 40-foot storage trailer on the property and the Town indicated to him that the maximum allowed is a 22-foot storage trailer/shed.

Mr. John Connors, 27 L Street. Mr. Connors was very concerned about the noise level coming from Wally's Pub, and the noise in the front patio/seating area.

SUSPEND PUBLIC HEARING.

Board consensus was that additional information is needed on the plan, including the capacity of the front seating area. Keith Lessard suggested that the area between the building and the adjacent parcel be increased. Mrs. Kimball stated that the pervious area of the property will need to be 15% unsealed. Mr. Walsh requested that the Board grant conditional approval to the applicant to demolish the building and put up the retaining wall. Mrs. Kimball stated that the building could be demolished with a demolition permit and does not require Planning Board approval. The retaining wall could be constructed with a building permit, and also does not require Planning Board approval. Board consensus was to continue this application.

Mrs. Hurst **MOTIONED** to continue the above application to December 18, 2002. The applicant will provide revised plans showing the location of the retaining wall and driveway,

curb cuts (driveway location), lighting, edge of pavement, outside seating area capacity, and other items of Board concern. Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD

1. Lyman McCrea, Apex Realty Trust & Marjorie E. Colby
Use Change to convert 19 Office Units to 12 Residential Condominium Units at
820 Lafayette Road
Map 90, Lot 21
Owners of Record: Same as above

Attorney Peter Saari and Lyman McCrea addressed the Board. There will be no major outside changes to the property. Some pavement will be removed and more green area added. There will be interior work done, i.e. the addition of bathrooms. Mr. McCrea stated that there are a number of current, existing leases which will need to expire before construction commences. Mrs. Kimball recommended that the Board approve with the changes noted on the plan, i.e. reduced sealed surface area.

Mr. Sullivan **MOTIONED** to approve the Use Change to convert 19 office units to 12 residential condominium units at 820 Lafayette Road, Map 90, Lot 21, per Plan # 4-58-7680 subject to the condition that the sealed surface will be less than 60 percent. Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick recommended that the Board hear the matter of Cindy Sostak as it was late, and her matter would take only a couple of minutes.

3. Cindy Sostak
Use Change from beauty salon to retail sales (children's clothing) at
860 Lafayette Road
Map 71, Lot 18
Owner of Record: Hope Dube

Ms. Cindy Sostak addressed the Board and requested a Use Change from a beauty salon to a children's clothing store.

Mr. J. Lessard **MOTIONED** to approve the Use Change from a beauty salon to retail sales (children's clothing) at 860 Lafayette Road, Map 71, Lot 18. Mr. Bob Viviano **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. BN Hampton - Thomas L. Nigrelli and Elizabeth M. Ware
Update of conditionally approved 113-unit, elderly apartment project located off
Walker Circle
Map 157, Lot 3-2

Mr. Tom Nigrelli addressed the Board. Mr. Nigrelli stated that subsequent to Town counsel

review of the Conservation easement, he is donating 11 acres to the Conservation Commission. When the wetlands and conservation permits were originally applied for and granted, it was because the applicant is expanding an existing easement that had already been created as part of Hampton Meadows in 1994-1995. A wildlife corridor and natural area about a half mile in length has been created that will be preserved forever. The Conservation Commission used this easement as a factor in granting the dredging and filling permits. When it was realized that a public water connection could not be obtained, he needed to use this open area as the buffer and radius to protect the wells. Mr. Nigrelli stated that he was successful in establishing a private water source for the project and have received a DES permit for a small public water supply. The pump testing led to conversations with Aquarion Water, who are doing exploratory work with the potential of a public well in this area. This is a substantial, high-quality source of water in bedrock with virtually no iron, magnesium, and extremely low arsenic. Thus the easement was modified to give the applicant unlimited water rights. Other than this, the water easement is unchanged.

Mrs. Kimball stated that the Conservation Commission has provided accepted the easement and upon advice of Town counsel, has provided this in writing to the Board. Per RSA 36:A4, the Board of Selectmen will need to either approve or disapprove. Mr. Nigrelli stated that he would like to put in the foundation while some of these smaller issues are being resolved.

Mr. Nigrelli has had extensive meetings with both Town Manager, James Barrington and DPW. DPW has set a bond amount with respect to public improvement, with the creation of a fully-public sewer system using a private gravity line. The pump station and piping under the street will become public. Hampton Meadows will pay for all of this as part of this project.

The wetlands scientist has stamped the plan, and that information has been provided to Mrs. Kimball, along with a copy of the sewer discharge permit.

Mr. Nigrelli went before the Zoning Board of Adjustment to apply for a height variance. The variance was unanimously granted to allow him to put a peak roof on the buildings 43 feet in height instead of 35 feet. He is meeting with the landscape architect to provide buffer landscaping to soften the view from adjacent property owners.

* Mr. Olney and Mrs. Hurst left the meeting at this point.

Mr. Nigrelli requested that the Board make an amendment to condition #10 that currently requires the public sewer system be completed and operational prior to granting of occupancy certificates. This is mentioned in Mrs. Kimball's October 17, 2001 memo. Mr. Nigrelli asked that the Board grant him an occupancy permit for Building #1 with the completion and operation of the public pump station. The original agreement with DPW was for step reductions in the letters of credit as work was completed. He would agree to no reduction in the letter of credit until such time as the entire project was completed in order to completely protect the Town. The Selectmen did not vote on this issue, but they indicated that the request appeared to be reasonable and deferred to the decision of the Planning Board.

Mr. Gillick acknowledged Mr. Nigrelli's request to amend item #10 in Mrs. Kimball's October

17, 2001 memo with regarding to occupancy permits. However, these conditions were placed on this application due to Board concerns over the development of this project and that all conditions were firmly in place. Mr. Nigrelli compared this project to other subdivision project he has completed in the Town of Hampton. The same sureties to the Town are involved, without the involvement of homeowners at this point. He is providing a public improvement, putting up an approved bond per the DPW, and the bond would remain in full until the completion of the project. He is requesting that the Board allow 50% occupancy at this point due to weather conditions.

Mr. Sullivan stated that the applicant was prepared to begin digging, both both Vic Lessard and Tom recommended that he wait until spring to commence public digging due to the way Drakeside Road would be for the remainder of the winter season. They preferred to wait until the Planning Board took action on this matter. Mr. Nigrelli has provided a schedule to both DPW and the Town Manager. According to this schedule, Phase I would be completed no later than June 30, 2003. The remaining work would be completed no later than October 30, 2003. Mr. Gillick spoke with the Town Manager, Mr. James Barrington, and he said that Mr. Nigrelli's suggestions seemed reasonable. As he is in charge of public roads and sewer, Mr. Gillick places great weight on his opinion. Mr. Viviano asked Mr. Nigrelli if he was in fact leaving \$250,000 bond in place until the completion of all the sewer work. Mr. Nigrelli agreed that this is correct. Mr. Viviano asked what guarantee the town had that those dates would be met. Mr. Nigrelli stated that weather conditions are beyond his control, and he has already spent over \$500,000 in public improvements and will spend up to another \$300,000 for the Town's benefit.

Mrs. Kimball stated that the letters of credit are written so that they are automatically called, and state that the completion of work is to be between 12-24 months. If the work is not completed by the expiration date of the letter or credit, then an extension may be granted or the Town could call it at that point. The Planning Board actually sets the amount, and seeks a recommendation from DPW. Mr. Hangen has recommended \$250,000 for the sewer improvements. The Board also requested surety for the work on Walker Circle, and on-site engineering inspection in the amount of \$10,000. Mrs. Kimball will review the current list of sureties and any outstanding sureties could be applied toward these amounts. Mr. Nigrelli stated that he has had discussions with the option holder on the Emerick property, and has considered redesigning the roadway to make Walker Circle a private road. He has spoken with DPW about this, and they also believe it is a good idea. Mrs. Kimball stated that that action may require additional Zoning and Planning Board approvals.

Mr. Gillick reiterated that the applicant is requesting that the Board change the condition regarding occupancy on buildings and tying into the completion of sewer. Mr. Nigrelli stated that he is requesting that the Board permit occupancy in the first building upon completion of Phase I which is the sewer gravity feed from Hampton Meadows including the installation, completion and Town acceptance of the pump station with the caveat that the surety remain in full. Mr. Gillick acknowledged the Town Manager's agreement with these conditions. The Board acknowledges that they have been informed of the change in height of the buildings per the variance granted by the ZBA. The Board gave consensus that the proposed increase in building height as approved by the Zoning Board of Adjust is not a significant change to the original proposal.

Mr. Sullivan **MOTIONED** to amend Condition #10 as outlined in Jennifer Kimball's October 17, 2001 memorandum is amended to state that completion and certification of off-site roadway and utility (including Public Sewer and Pump Station) improvements are required prior to issuance of Certificate of Occupancy for building 2. The applicant may obtain occupancy permits for building 1 prior to completion of the public sewer, however the system shall meet with DPW sign off prior to introduction of sanitary flows from unit 1. To set the surety for the sewer work at \$250,000 with the condition that the amount cannot be reduced until the Town accepts ownership and maintenance responsibility for the public portion of the sewer. To set the surety for on-site engineering inspection at \$10,000.00. If a surety for the off-site road work on Walker Circle is in place and current, the Board agreed that it can be carried over to this project. If one is not in place and the \$50,000 surety for Hampton Meadows is still in place and current, it may be rewritten for this project.

Mr. J. Lessard **SECONDED. VOTE:** 4 - Yes. 1 - Abstain (Keith Lessard). **MOTION PASSES IN THE AFFIRMATIVE.**

Mrs. Kimball is working with Betsy Ware of BN Hampton on conditions that remain outstanding before the issuance of a building permit. Mr. Gillick will forward a letter to the Board of Selectmen outlining their decision and updating them of the status of this project. Mr. Nigrelli asked that the Board grant a foundation permit. Mrs. Kimball stated that she could not agree to that as it would set a dangerous precedent. Mr. Hangen made it very clear that he will not sign off on final approval until he receives a completed package. She stated that all conditions required prior to issuance of building permits have not been completed.

Mr. Sullivan emphasized that the Board of Selectmen and Planning Board have both diligently acted in good faith to assist Mr. Nigrelli work out some of his problems and issues.

IV. CONSIDERATION OF MINUTES – November 20, 2002

The Board will vote on the minutes at the next meeting.

V. CORRESPONDENCE

1. Request for extension - Barney 3-Lot Subdivision, Exeter Road

Mrs. Kimball updated the Board concerning Mr. Barney's subdivision project on Exeter Road. He is working on the road and surety and is requesting a one-year extension.

Mr. K. Lessard **MOTIONED** to grant a one-year extension (to December 19, 2003) for the Barney 3-Lot Subdivision, Exeter Road application. Mr. Sullivan **SECONDED. VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that one of the Board's conditions was to have a light at the end of the cul-de-sac. The utilities are all underground and Mr. Barney would prefer to not have to install a telephone pole in order to put a street light at the end of the road. He asked if the Board would consider a decorative lamp or motion sensor lights on both properties.

Mr. K. Lessard **MOTIONED** to allow Mr. Barney to modify the lighting plan to not include a street light at the end of the cul-de-sac. Mr. Sullivan **SECONDED. VOTE:** All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

VI. OTHER BUSINESS

None.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Sullivan **SECONDED: VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 10:50 p.m.

Respectfully Submitted,
Maryann Brickett,
Planning Board Secretary